

ORDINANCE NO. 2002 - 062

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED CORRECTIVE AMENDMENTS: 02-57 CHX 1 (PINE TRAIL SHOPPING CENTER), MODIFYING PAGE 57 OF THE FLUA BY CHANGING APPROXIMATELY 0.36 OF AN ACRE PARCEL OF LAND, LOCATED APPROXIMATELY 250 FEET NORTH OF ELMHURST ROAD, 850 FEET SOUTH OF OKEECHOBEE BOULEVARD, AND 0.20 MILE WEST OF MILITARY TRAIL, FROM COMMERCIAL, WITH AN UNDERLYING 8 UNITS PER ACRE WITH CROSS-HATCHING (C/8) TO COMMERCIAL LOW, WITH AN UNDERLYING 8 UNITS PER ACRE (CL/8); 02-71 COM 3 (MOBIL OIL), MODIFYING PAGE 71 OF THE FLUA BY CHANGING AN APPROXIMATELY 1.12 ACRE PARCEL OF LAND, LOCATED ON THE SOUTHWEST CORNER OF MILITARY TRAIL AND PURDY LANE, FROM COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8) ON 0.82 ACRE TO COMMERCIAL HIGH (CH), AND FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) ON 0.30 ACRE TO COMMERCIAL HIGH WITH CROSS-HATCHING (CH); 02-81 RES 1 (BILTMORE ACRES), MODIFYING PAGE 81 OF THE FLUA BY CHANGING APPROXIMATELY 196.28 ACRES OF LAND, LOCATED APPROXIMATELY 0.35 MILE EAST OF THE RONALD REAGAN TURNPIKE, BETWEEN LANTANA ROAD AND THE LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL 14, FROM LOW RESIDENTIAL, 1 UNIT PER ACRE (LR-1) TO LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2); 02-102 AGR 1 (HALF-MILE ROAD PROPERTIES), MODIFYING PAGE 102 OF THE FLUA BY CHANGING APPROXIMATELY 20 ACRES OF LAND, LOCATED ON WEST SIDE OF HALF-MILE ROAD, APPROXIMATELY 600 FEET SOUTH OF ATLANTIC AVENUE AND ONE-HALF MILE EAST OF STATE ROAD 7, FROM SPECIAL AGRICULTURE (SA) TO AGRICULTURAL RESERVE (AGR); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 22, March 1, and March 8, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002 to review the recommendations of the Local Planning Agency, whereupon

1 the Board of County Commissioners authorized transmittal of proposed
2 amendments to the Department of Community Affairs for review and
3 comment pursuant to Chapter 163, Part II, Florida Statutes; and

4 **WHEREAS**, Palm Beach County received on July 1, 2002 the
5 Department of Community Affairs "Objections, Recommendations, and
6 Comments Report," dated June 28, 2002 which was the Department's
7 written review of the proposed Comprehensive Plan amendments; and

8 **WHEREAS**, the written comments submitted by the Department of
9 Community Affairs contained no objections to the amendments contained
10 in this ordinance; and

11 **WHEREAS**, on August 28, 2002 the Palm Beach County Board of County
12 Commissioners held a public hearing to review the written comments
13 submitted by the Department of Community Affairs and to consider
14 adoption of the amendments; and

15 **WHEREAS**, the Palm Beach County Board of County Commissioners has
16 determined that the amendments comply with all requirements of the
17 Local Government Comprehensive Planning and Land Development
18 Regulations Act.

19 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
20 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

21 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
22 **Element of the 1989 Comprehensive Plan**

23 The following amendments to the Land Use Element's Future Land
24 Use Atlas are hereby adopted and attached to this Ordinance:

25 **A. Future Land Use Atlas page 57 is amended as follows:**

26 **Application No.:** 02-57 CHX 1 (Pine Trail Shopping Center)

27 **Amendment:** From Commercial, with an underlying 8 units
28 per acre with cross-hatching (C/8) to
29 Commercial Low, with an underlying 8 units
30 per acre (CL/8);

31 **General Location:** Approximately 250 feet north of Elmhurst
32 Road, 850 feet south of Okeechobee
33 Boulevard, and 0.20 mile west of Military
34 Trail;

35 **Size:** Approximately 0.36 of an acre;

1 B. Future Land Use Atlas page 71 is amended as follows:

2 Application No.: 02-71 COM 3 (Mcbil Oil)

3 Amendment: From Commercial High, with an underlying 8
4 units per acre (CH/8) on 0.82 acre to
5 Commercial High (CH); and from Medium
6 Residential, 5 units per acre (MR-5) on
7 0.30 acre to Commercial High with cross-
8 hatching (CH);

9 General Location: Southwest corner of Military Trail and
10 Purdy Lane;

11 Size: Approximately 1.12 acres;

12 C. Future Land Use Atlas page 81 is amended as follows:

13 Application No.: 02-81 RES 1 (Biltmore Acres)

14 Amendment: From Low Residential, 1 unit per acre (LR-
15 1) to Low Residential, 2 units per acre
16 (LR-2);

17 General Location: Approximately 0.35 mile east of the Ronald
18 Reagan Turnpike, between Lantana Road and
19 the Lake Worth Drainage District Lateral
20 Canal 14;

21 Size: Approximately 196.28 acres;

22 D. Future Land Use Atlas page 102 is amended as follows:

23 Application No.: 02-102 AGR 1 (Half-Mile Road Properties)

24 Amendment: From Special Agriculture (SA) to
25 Agricultural Reserve (AGR);

26 General Location: West side of Half-Mile Road, approximately
27 600 feet south of Atlantic Avenue and one-
28 half mile east of State Road 7;

29 Size: Approximately 20 acres;

30 Part II. Repeal of Laws in Conflict

31 All local laws and ordinances applying to the unincorporated area
32 of Palm Beach County in conflict with any provision of this ordinance
33 are hereby repealed to the extent of such conflict.

34 Part III. Severability

35 If any section, paragraph, sentence, clause, phrase, or word of

1 this Ordinance is for any reason held by the Court to be
2 unconstitutional, inoperative or void, such holding shall not affect
3 the remainder of this Ordinance.

4
5 Part IV. Inclusion in the 1989 Comprehensive Plan

6 The provision of this Ordinance shall become and be made a part
7 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
8 Ordinance may be renumbered or relettered to accomplish such, and the
9 word "ordinance" may be changed to "section," "article," or any other
10 appropriate word.

11 Part V. Effective Date

12 The effective date of this plan amendment shall be the date a
13 final order is issued by the Department of Community Affairs or
14 Administration Commission finding the amendment in compliance in
15 accordance with Section 163.3184, Florida Statutes, whichever occurs
16 earlier. No development orders, development permits, or land uses
17 dependent on this amendment may be issued or commence before it has
18 become effective. If a final order of noncompliance is issued by the
19 Administration Commission, this amendment may nevertheless be made
20 effective by adoption of a resolution affirming its effective status,
21 a copy of which resolutions shall be sent to the Department of
22 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
23 Boulevard, Tallahassee, Florida 32399-2100.

24 APPROVED AND ADOPTED by the Board of County Commissioners of
25 Palm Beach County, on the 28 day of August, 2002.

26
27 ATTEST:
28 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

29
30
31  Deputy Clerk

By Warren H. Newell
Warren H. Newell, Chairman

32
33 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

34
35
36 Robert P. [Signature]
37 COUNTY ATTORNEY

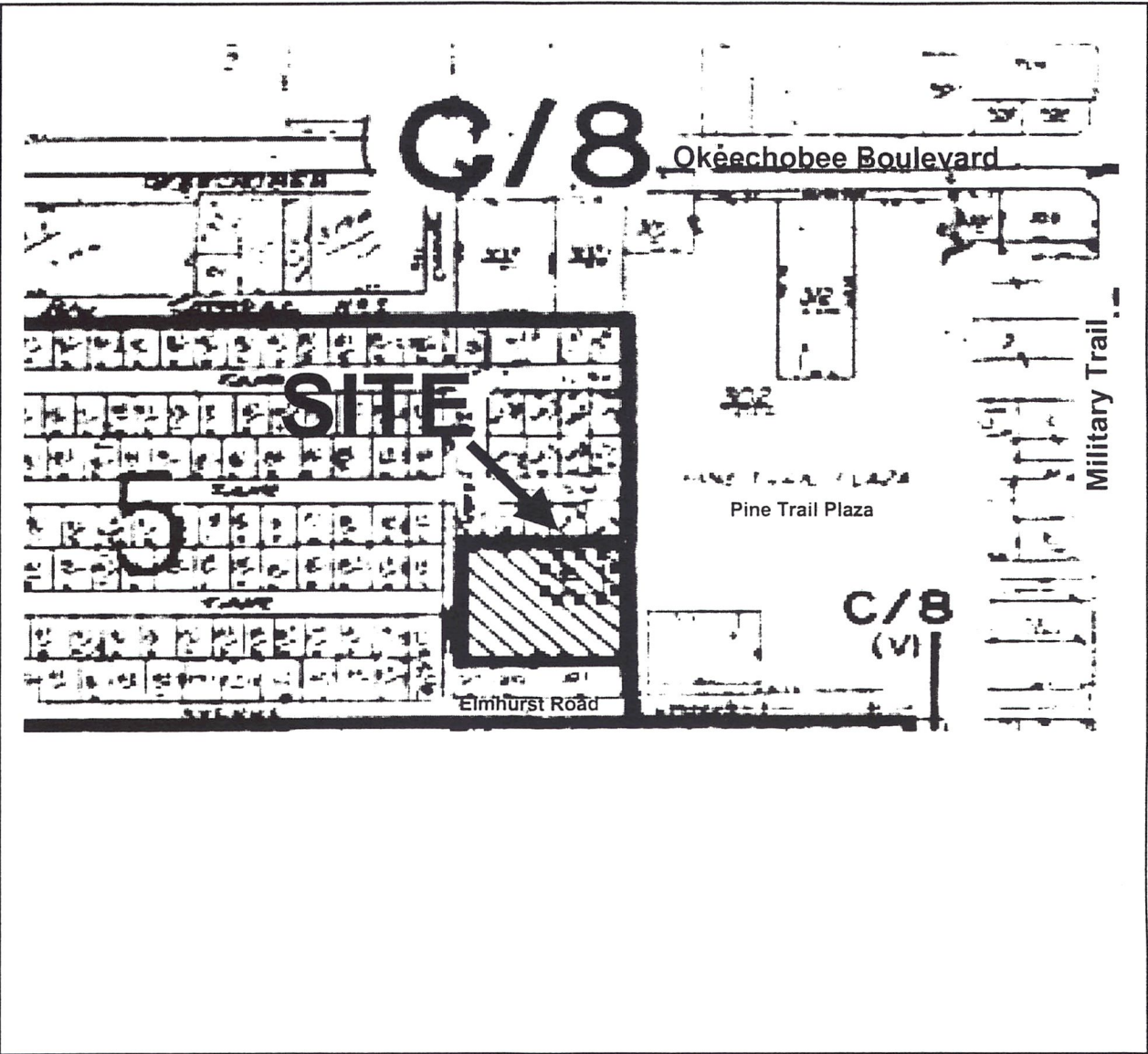
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39 Filed with the Department of State on the 3 day
40 of September, 2002

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44

EXHIBIT 1

A. Future Land Use Atlas page 57 is amended as follows:

- Amendment No.:** 02-57 CHX 1 (Pine Trail Shopping Center)
- Amendment:** From Commercial, with an underlying 8 units per acre with cross-hatching (C/8) to Commercial Low, with an underlying 8 units per acre (CL/8).
- Location:** Approximately 250 feet north of Elmhurst Road, 850 feet south of Okeechobee Boulevard, and 0.20 mile west of Military Trail
- Size:** Approximately 0.36 acre
- Property No.:** 00-42-43-25-00-000-3110



B. Future Land Use Atlas page 71 is amended as follows:

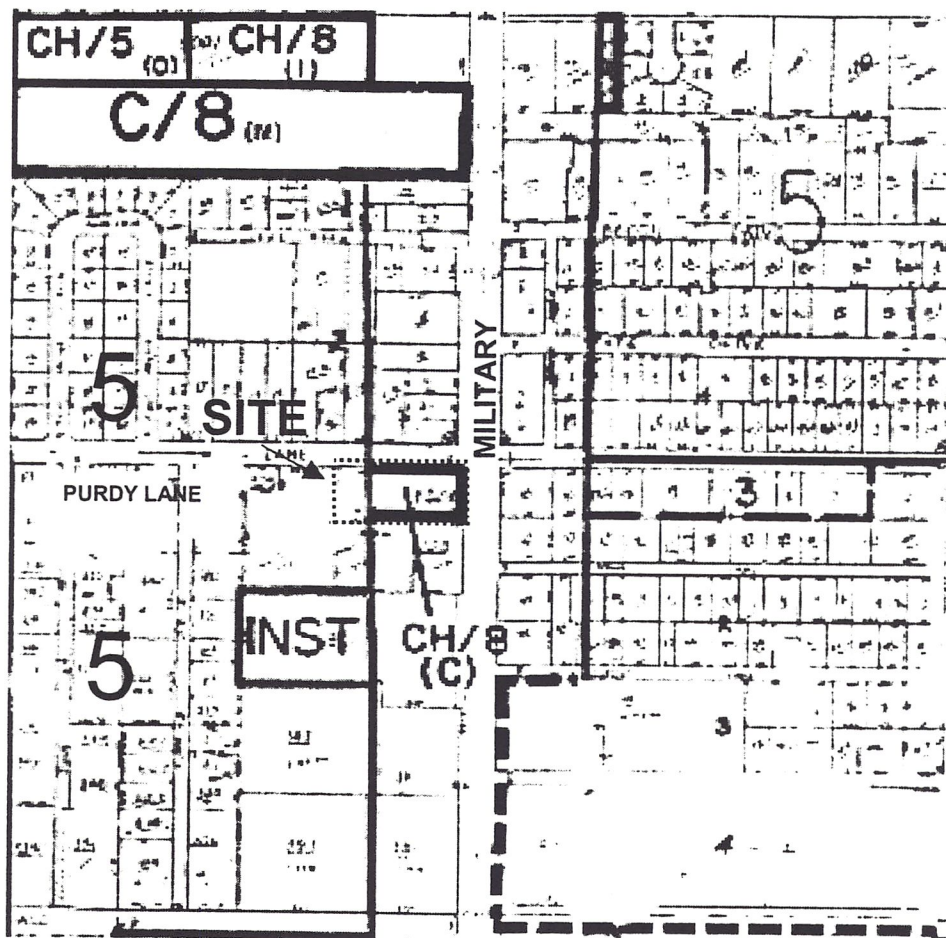
Amendment No.: 02-71 COM 3 (Mobil Oil)

Amendment: From Commercial High, with an underlying 8 units per acre (CH/8) on 0.82 acre to Commercial High (CH); and from Medium Residential, 5 units per acre (MR-5) on 0.30 acre to Commercial High with cross-hatching (CH).

Location: Southwest corner of Military Trail and Purdy Lane

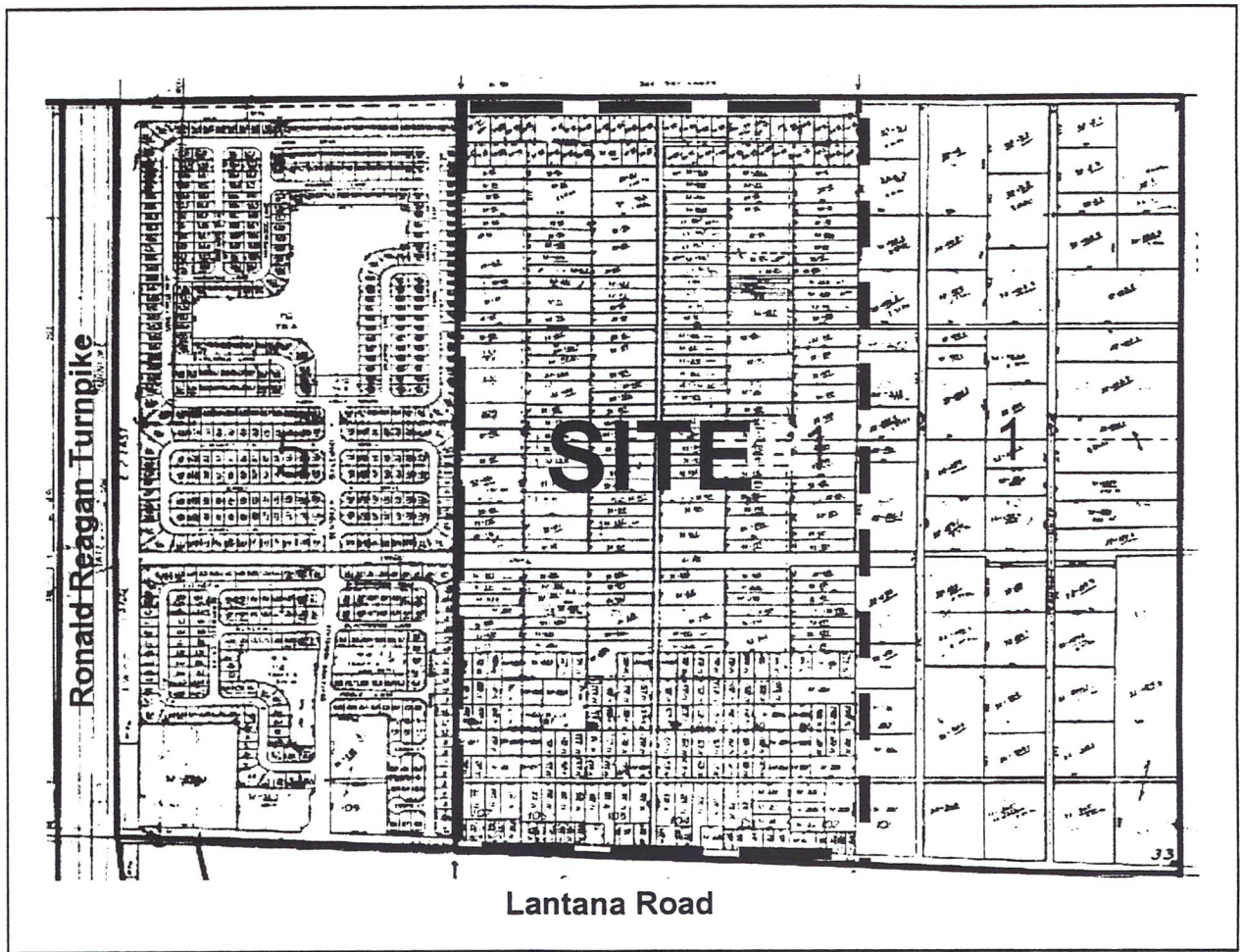
Size: Approximately 1.12 acres

Property No.: 00-42-44-13-00-000-3240



C. Future Land Use Atlas page 81 is amended as follows:

- Amendment No.:** 02-81 RES 1 (Biltmore Acres)
- Amendment:** From Low Residential, 1 unit per acre (LR-1) to Low Residential, 2 units per acre (LR-2)
- Location:** Approximately 0.35 mile east of the Ronald Reagan Turnpike, between Lantana Road and the Lake Worth Drainage District Lateral Canal 14
- Size:** Approximately 196.28 acres (combined)
- Property No.:** See attached



D. Future Land Use Atlas page 102 is amended as follows:

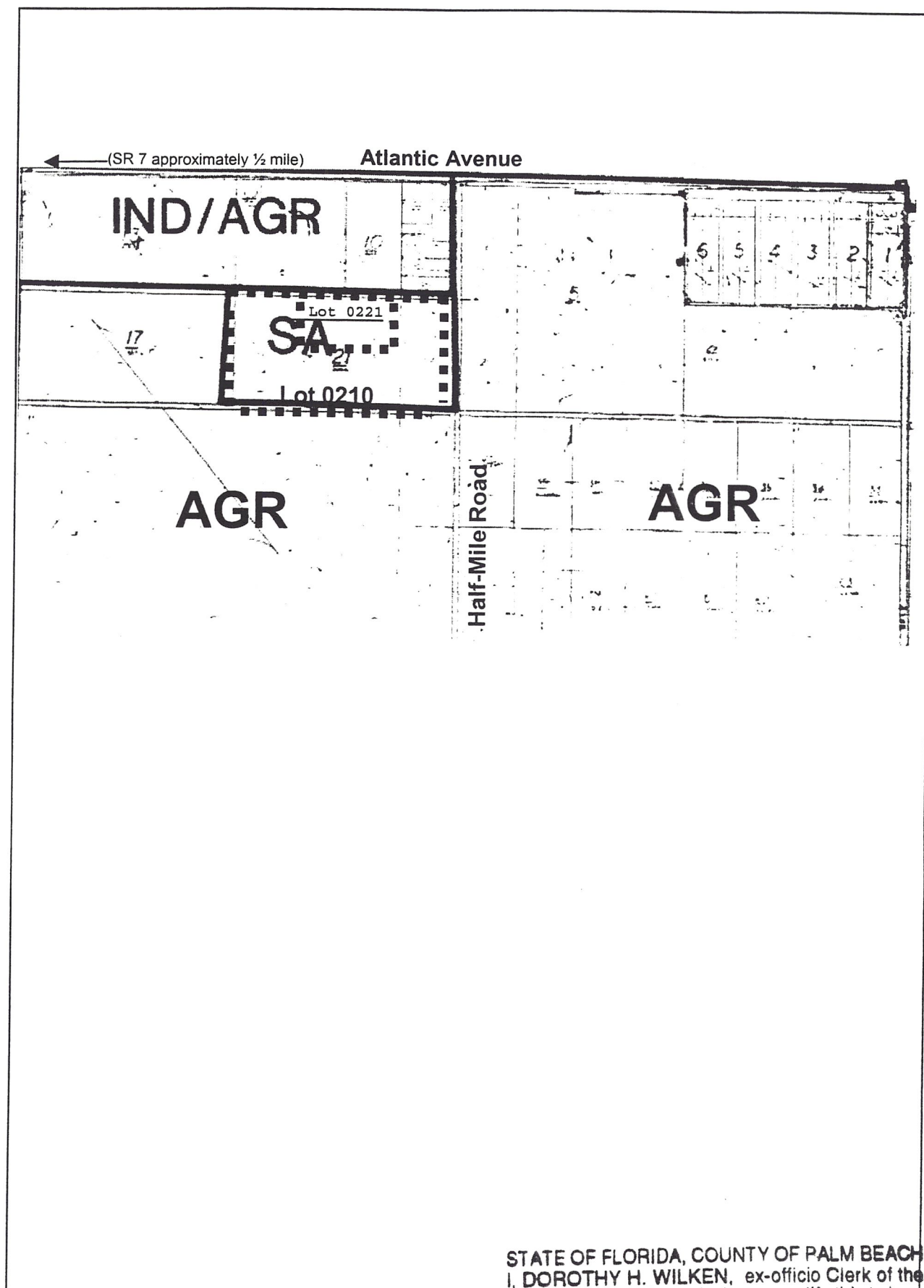
Amendment No.: 02-102 AGR 1 (Half-Mile Road Properties)

Amendment: From Special Agriculture (SA) to Agricultural Reserve (AGR)

Location: West side of Half-Mile Road, approximately 600 feet south of Atlantic Avenue and one-half mile east of State Road 7

Size: Approximately 20 acres (combined)

Property No.: 00-42-46-19-01-000-0210, 0221



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 28, 2002
DATED at West Palm Beach, FL on 10/10/02
DOROTHY H. WILKEN, Clerk
By: Wanda Brown D.C.